

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN IGARTUA, on behalf of himself and all
others similarly situated,

Plaintiff,

- against -

KUSH CULTURE INDUSTRY LLC.

Defendant.

24 Civ. 6374 (DEH) (GS)

ORDER TO
SHOW CAUSE

GARY STEIN, United States Magistrate Judge:

Plaintiff Juan Igartua filed his Complaint on August 23, 2024 (Dkt. No. 1), and a summons was issued on August 26, 2024 (Dkt. No. 4). On December 2, 2024, the undersigned issued an Order to Show Cause for failure to prosecute as Plaintiff had failed serve the summons and Complaint on Defendant. (Dkt. No. 7). Plaintiff then served the summons and Complaint on December 9, 2024. (Dkt. No. 8). The December 9, 2024 date of service was not within the Fed. R. Civ. P. 4(m) 90-day requirement. Nonetheless, the Court found good cause to extend the time for service to December 9, 2024, the date service was effected. (Dkt. No. 11). Defendant's Answer was due by December 30, 2024.

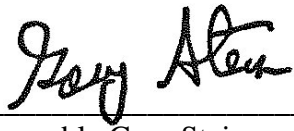
To date, the docket reflects that Defendant has not appeared in this action nor responded to the Complaint. Given Defendant's non-appearance since the affidavit of service was filed, if Plaintiff believes that he has effectuated service, then he should initiate default judgment proceedings in accordance with Judge Ho's Individual Rule 4.h by **Thursday, February 13, 2025**. Alternatively, Plaintiff may submit a status letter by the same date, informing the Court as to Plaintiff's litigation plan and whether he is still actively attempting to serve Defendant.

Failure to comply with this Order could result in a recommendation to the Honorable Dale Ho that this action be dismissed without prejudice for failure to prosecute pursuant to Fed.

R. Civ. P. 41.

SO ORDERED.

DATED: New York, New York
January 30, 2025



The Honorable Gary Stein
United States Magistrate Judge